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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/995,696

11/29/2001

Takefumi Wakabayashi

1979

7055

7590

10/19/2005

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER

NANO, SARGON N

ART UNIT

PAPER NUMBER

2157

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/995,696

Applicant(s)

WAKABAYASHI, TAKEFUMI

Examiner

Sargon N. Nano

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/1/05.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17 -32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17 - 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to RCE filed on August 1, 2005. Claims 17, 23, 25, 29, 30 and were amended, claim 32 was newly added. Claims 17 – 32 are pending examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims, 17, 23, 25, 29, 30 and 31 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. Critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). The newly added matter “without accessing the monitoring apparatus” is not found in the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the

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applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 17 – 21, 23, 24, 26, 29 – 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Mukaiyama et al U.S. Patent No. 6,631,407 (referred to hereafter as Mukaiyama).

Mukaiyama teaches device management network system, management server, and a computer readable medium capable of monitoring the operation status of network devices (see abstract).

As to claim 17, Mukaiyama teaches a transmitting apparatus that communicates with a receiving apparatus, the receiving apparatus exchanging data with a monitor apparatus that monitors a status of the receiving apparatus, the transmitting apparatus comprising:

a receiver configured to receive, from the monitoring apparatus, status information of the receiving apparatus (see col. 1 line 60 – col. 2 line 7 Mukaiyama discloses a device network monitoring status system) ;

a memory configured to store the status information of the receiving apparatus (see col. 1 lines 60 col. 2 line 7, Mukaiyama discloses a status information storing part for storing the status of devices ; and

a controller configured to check the status information of the receiving apparatus stored in the memory *without accessing the monitoring apparatus* when destination

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information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus, and to notify, to a user of the transmitting apparatus, the status information of the receiving apparatus prior to the transmission of the transmitting data to the receiving apparatus(see col. 6 lines 8 – 26, Mukaiyama discloses a a control panel that enable the user to check the status of a printing device).

As to claim 18, Mukaiyama teaches the transmitting apparatus according to claim 17, wherein the status information of the receiving apparatus comprises one of power being turned ON and power being turned OFF (see col. 5 line 55 – col. 6 line 7).

As to claim 19, Mukaiyama teaches the transmitting apparatus according to claim 17, wherein the status information of the receiving apparatus comprises an indication that the receiving apparatus is unable to receive the transmitting data (see col.5 line 66 – col. 6 line 7).

As to claim 20, Mukaiyama teaches the transmitting apparatus according to claim 17, wherein the status information of the receiving apparatus comprises an indication that the receiving apparatus is unable to print the transmitting data (see col. 5 line 66 – col. 6 line 7).

As to claim 21, Mukaiyama teaches the transmitting apparatus according to claim 17 further comprising a one-touch button, the memory storing the status information of the receiving apparatus corresponding to the one-touch button, the controller checking the status information of the receiving apparatus when the one-touch button corresponding to the receiving apparatus is selected (see col. 6 lines 15 – 26).

As to claim 23, Mukaiyama teaches a monitoring apparatus, comprising:

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a communicator configured to communicate data with a receiving apparatus to receive status information of the receiving apparatus, the receiving apparatus storing destination information of a predetermined transmitting apparatus, *and* to receive, from the receiving apparatus, the destination information of the transmitting apparatus(see col.1 line 60 – col.2 line 7); and

a controller configured to transmit, to the predetermined transmitting apparatus, the status information of the receiving apparatus, based on the received destination information of the predetermined transmitting apparatus, whereby the predetermined transmitting apparatus notifies, to a user of the predetermined transmitting apparatus, the status information of the receiving apparatus prior to a transmission of transmitting data to the receiving apparatus *without accessing the monitoring apparatus* (see col.6 lines 8 – 26).

As to claim 24, Mukaiyma teaches the monitoring apparatus according to claim 23, wherein, when the receiving apparatus is turned ON, the communicator receives the status information of the connected receiving apparatus, using a TRAP message (see col. 3 lines 27 – 32).

As to claim 26, Mukaiyma teaches a receiving apparatus, comprising;

a communicator configured to exchange data with a monitoring apparatus that monitors a status of the receiving apparatus(see col.3 lines 27 – 32);

a memory configured to store destination information of a predetermined transmitting apparatus(see col. 1 lines 60 – col. 2 line 7).;

a controller configured to transmit, to the monitoring apparatus, an address of the transmitting apparatus, to collect status information within the receiving apparatus, and to transmit, to the monitoring apparatus, the collected status information of the receiving apparatus, whereby the monitoring apparatus transmits, to the predetermined transmitting apparatus, the status information of the receiving apparatus, based on the destination information of the predetermined transmitting apparatus, and the predetermined transmitting apparatus notifies, to a user of the predetermined transmitting apparatus, the status information of the receiving apparatus prior to a transmission of transmitting data to the receiving apparatus *without accessing the monitoring apparatus* (see col. 5 lines 55 – col. 6 line 7).

As to claim 29, Mukaiyma teaches a method for transmitting data using a transmitting apparatus, the transmitting apparatus communicating with a receiving apparatus, the receiving apparatus exchanging data with a monitor apparatus that monitors a status of the receiving apparatus, the method comprising:

receiving, from the monitoring apparatus, status information of the receiving apparatus(see col. 1 line 60 – col. 2 line 7);

storing the status information of the receiving apparatus *without accessing the monitoring apparatus* (see col. 6 lines 42 – 50);

examining the stored status information of the receiving(see col. 6 lines 42 – 50);

and

notifying, to a user of the transmitting apparatus, the status information of the receiving apparatus prior to transmitting the transmitting data to a selected receiving apparatus(see fig. 5).

As to claim 30, Mukaiyma teaches a method for monitoring a receiving apparatus, using a monitoring apparatus, the monitoring apparatus exchanging data with the receiving apparatus, the method comprising:

receiving, from the receiving apparatus, status information of the receiving apparatus, the receiving apparatus storing destination information of a predetermined transmitting apparatus(see col. 5 line 55 – col. 6 line 35).;

receiving, from the receiving apparatus, the destination information of the transmitting apparatus(see col. 1 line 60 – col. 2 line 7);.

storing the destination information of the predetermined transmitting apparatus and transmitting, to the predetermined transmitting apparatus, the status information of the receiving apparatus, based on the stored destination information of the predetermined transmitting apparatus, whereby the predetermined transmitting apparatus notifies, to a user of the predetermined transmitting apparatus, the status information of the receiving apparatus prior to a transmission of transmitting data to the receiving apparatus *without accessing the monitoring apparatus* (see col. 1 line 60 – col. 2 line 7);

As to claim 31, Mukaiyma teaches a method for controlling a receiving apparatus, the receiving apparatus exchanging data with a monitoring apparatus, the method comprising;

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storing destination information of a predetermined transmitting apparatus(see col. 1 line 60 – col. 2 line 7);

transmitting, to the monitoring apparatus, the destination information of the transmitting apparatus(see col. 6 lines 8 – 26);

collecting status information within the receiving apparatus(see col. 5 line 55 – col. 6 lines 15).; and

transmitting, to the monitoring apparatus, the status information of the receiving apparatus, whereby the monitoring apparatus transmits, to the predetermined transmitting apparatus, the status information of the receiving apparatus, based on the destination information of the predetermined transmitting apparatus, and the predetermined transmitting apparatus notifies, to a user of the predetermined transmitting apparatus, the status information of the receiving apparatus prior to a transmission of transmitting data to the receiving apparatus(see col. 6 lines 42 – 50).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claim 22, 25, 27, 28 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mukaiyama in view of Amit et al. U.S. Patent No. 6,259,538 (referred to hereafter as Amit).

As to claim 22, 25, 27, 28 and 32 Mukaiyama teaches the invention above. Mukaiyama does not explicitly teach where in the transmitting and receiving operations comprises as internet facsimile apparatus, however Amit teaches the transmission of IP packets from a transmission party fax to a receiving party fax over a network (see col.3 line 15 – col. 4 line 35). It would have been obvious to one of the ordinary skill in the art to incorporate the teachings of transmitting the packets from transmission party fax to a receiving party fax to enable the sender to receive a confirmation notification of a transmitted data or message.

Conclusion


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sargon N. Nano whose telephone number is (571) 272-4007. The examiner can normally be reached on 8 hour.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sargon Nano
Oct. 13, 2005



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